



THE CITY OF NEW YORK
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November 27, 2017

VIA ECF

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Echevarria v. City of New York, et al.
17-cv-6073 (AT)

Dear Judge Torres:

In accordance with this Court's Order, dated October 17, 2017 (ECF Dkt. 16), the parties in the above-referenced matter jointly and respectfully submit this Rule 16 joint letter. The Court has scheduled a Rule 16 Conference for December 4, 2017, at 10:20 am.

**1. STATEMENT OF THE CASE, PRINCIPAL CLAIMS AND DEFENSES, AND
MAJOR LEGAL AND FACTUAL ISSUES.**

PLAINTIFF

Plaintiff was employed by Defendants as Director of the Tenant Interim Lease Program at HPD from August 24, 2015 until September 9, 2016 when he was wrongfully terminated. Plaintiff has asserted claims for First Amendment retaliation pursuant 42 U.S.C. Section 1983 and retaliation in violation of the New York Civil Service Law Section 75-b. Importantly, shortly after Plaintiff began working for HPD, Plaintiff became aware of various activities that he believed to be unlawful and constituted improper governmental actions. Plaintiff began raising concerns about these activities to his supervisors and to the New York City Department of Investigation ("DOI"). The DOI began scheduling interviews and investigating Plaintiff's complaints in mid-August 2016, and Plaintiff participated in the investigation. Immediately thereafter, on September 9, 2016, Defendants summarily and unlawfully terminated Plaintiff in retaliation for his complaints in violation of Section 1983 and New York Civil Service Law § 75-b.

DEFENDANTS

Plaintiff is the former Director of the New York City Department of Housing Preservation and Development's ("HPD") Tenant Interim Lease Program ("TIL"). Plaintiff alleges that HPD terminated him on September 9, 2016 in retaliation for his alleged reporting to the New York City Department of Investigation ("DOI") of unlawful conduct by Defendant Hendrickson ("Hendrickson"), a Deputy Commissioner at HPD, and Vivian Louie ("Louie"), an Assistant Commissioner at HPD, in violation of the First Amendment and New York Civil Service Law § 75-b. Plaintiff claims that Hendrickson and Louie improperly attempted to provide an apartment under TIL to an out-of-state resident. Plaintiff further contends that HPD terminated his employment because he reported this alleged conduct to DOI. Defendants assert that plaintiff was terminated for legitimate, non-retaliatory reasons. HPD terminated Plaintiff's employment on September 9, 2016 after a sustained – and documented – period of poor performance and mismanagement, including AWOL issues during August 2016.

2. CONTEMPLATED MOTIONS

PLAINTIFF

Plaintiff reserves his right to move for summary judgment at the close of discovery.

DEFENDANTS

Defendants anticipate moving for summary judgment at the close of discovery.

3. SETTLEMENT

PLAINTIFF

The parties have not engaged in settlement discussions; however Plaintiff is amenable to negotiations.

DEFENDANTS

The parties have not engaged in settlement discussions to date. At the present time, though amenable to good faith negotiations, defendants intend to litigate this action.

Respectfully submitted,

_____/s/
Todd Krakower
Attorney for Plaintiff

-and-

ZACHARY W. CARTER
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City of New York
Attorney for Defendants

/s/

By: Matthew J. Connahan
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